



File number : 04821274.0

16.01.07

Final Instructions

for closing an application (loss of all rights).

FINDING:

1. ☒ No use has been made of any of the legal remedies available.
☐ The decision refusing the: appeal / application for reestablishment of rights / request for further processing has become final.
2. ☐ The application will not be dealt with as a European patent application (Rule 39 EPC).
☐ The decision refusing the application has become final.
☒ The application is deemed to be withdrawn.
3. Form 1320 has been dispatched (if necessary).
4. The return of Form 1320 is to be controlled by coding "BEEF".

The Hague, 25-01-2007

Grondin, Annabel
(Formalities Officer)**FINDING:**

5. Checked with regard to costs; where applicable, refund ordered (RFAC).

INSTRUCTIONS:

6. ADWI(3) or REFU(3) and DEAD have been coded.

The Hague, 25-01-2007

Grondin, Annabel
(Formalities Officer)



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ (070) 3 40 20 40
FAX (070) 3 40 30 16

Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Generaldirektion 1

Directorate General 1

Direction générale 1

International Business Machines Corporation
New Orchard Road
Armonk, NY 10504
ETATS-UNIS D'AMERIQUE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date
05-10-2006

Reference	Application No./Patent No. 04821274.0 - PCT/EP2004053237
Applicant/Proprietor International Business Machines Corporation	

Noting of loss of rights pursuant to Rule 69(1) EPC

The European patent application cited above is deemed to be withdrawn (Rule 108(1) EPC) for the following reason(s):

- a) ☐ translation of the international application into one of the EPO's official languages (Art. 158(2) EPC) not filed within the period specified in Rule 107(1)(a) EPC
- b) ☒ national basic fee
☐ search fee
☒ designation fee
☒ examination fee and/or written request for examination
(not validly paid / not made within the time limit specified in Rule 107(1)(c)-(f) EPC
- (c) ☐ payment of the above fees on, after expiry of the period for payment (on 21.08.06).

MEANS OF REDRESS:

1. The loss of rights [(a)(b)] shall be deemed not to have occurred if, within a (non-extendable) period of **TWO MONTHS** of notification of this communication, the relevant requirement(s) has (have) been fulfilled and the appropriate surcharge(s) under Article 2(3b)(3c) RFees have been paid (Rule 108(3) EPC).
If fees were paid late [(c)], the requirement(s) as specified in Article 8(3)(4) RFees is (are) to be fulfilled within the same time limit.
2. If, however, the applicant considers that this finding is inaccurate, he may apply in writing for an EPO decision on the matter (Rule 69(2) EPC) within the same time limit, i.e. that specified in (1). The finding will be set aside only if it does not actually correspond to the factual or legal situation.
The applicant's rights with regard to fee payment or filing the written request for examination cannot be re-established under Article 122 EPC.
3. If, in spite of all due care required by the circumstances having been taken, the applicant was unable to **observe the time limit for filing the translation**, he will, upon application, have his rights re-established provided that the time limits and formal requirements laid down in Article 122 EPC are complied with.



Date 05-10-2006

Sheet 2

Application No. 04821274.0

NOTE:

Applicants not having either a residence or principal place of business within the territory of one of the EPC contracting states must have the above request under Article 122 EPC or Rule 69(2) EPC filed by a professional representative authorised to act before the EPO.

RECEIVING SECTION

Enclosure: Schedule of Fees



Gebühren für in die europäische Phase eintretende internationale Patentanmeldungen in EURO geltend ab 01.04.06 *

Fees for international applications entering the European phase in EURO effective as from 01.04.06 *

Taxes pour les demandes internationales entrant dans la phase européenne en EURO applicables à compter du 01.04.06 *

<p>Nationale Grundgebühr / National basic fee / Taxe nationale de base:</p> <p>Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>auf Papier</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>on paper</u>: Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>sur papier</u>:</p> <p>Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>online</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>online</u>: Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>en ligne</u>:</p>	<p align="right">170,00 (160,00) *** 95,00 (90,00) ***</p>
<p>Recherchegebühr / Search fee / Taxe de recherche **</p> <p>Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications, filed on or after 1 July 2005: Applicable aux demandes internationales déposées à compter du 1er juillet 2005:</p> <p>Anwendbar für vor dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications filed before 1 July 2005: Applicable aux demandes internationales déposées avant le 1er juillet 2005:</p>	<p align="right">1000,00 (960,00) *** 720,00 (690,00) ***</p>
<p>Benennungsgebühr für jeden benannten Vertragsstaat (siebenfacher Betrag = alle Vertragsstaaten): Designation fee for each contracting state designated (seven times the amount = all contracting states): Taxe de désignation pour chaque Etat contractant désigné (sept fois cette taxe = tous les Etats contractants):</p>	<p align="right">80,00 (75,00) ***</p>
<p>Zuschlagsgebühr für die verspätete Einreichung der Übersetzung der internationalen Anmeldung oder die verspätete Stellung des Prüfungsantrags oder die verspätete Entrichtung der nationalen Grundgebühr, der Recherchegebühr und/oder der Benennungsgebühren (Regel 108 (3) und (4): 50% der betreffenden Gebühren, jedoch mindestens 520 EUR bei verspäteter Einreichung der Übersetzung und insgesamt höchstens:</p> <p>Surcharge for late filing of either the translation of the international application or the request for examination, or for late payment of the national basic fee, the search fee and/or the designation fee (Rule 108(3) and (4): 50% of the relevant fees, but at least EUR 520 for late filing of the translation, up to a maximum of:</p> <p>Surtaxe pour production tardive de la traduction de la demande internationale, pour présentation tardive de la requête en examen ou pour retard de paiement de la taxe nationale de base, de la taxe de recherche et/ou des taxes de désignation (règle 108 (3) et (4): 50% des taxes concernées, sans que le montant puisse être inférieur à 520 EUR en cas de production tardive de la traduction et sans que le montant total puisse dépasser:</p>	<p align="right">1820,00 (1750,00) ***</p>
<p>Anspruchsgebühr für den elften und jeden weiteren Anspruch: Claims fee for the eleventh and each subsequent claim: Taxe pour chaque revendication à partir de la onzième:</p>	<p align="right">45,00 (40,00) ***</p>
<p>Pauschalgebühr für eine zusätzliche Abschrift der im Europäischen Recherchenbericht aufgeführten Schriften: Flat-rate fee for an additional copy of the documents cited in the European search report: Taxe forfaitaire pour une copie supplémentaire des documents cités dans le rapport de recherche européenne:</p>	<p align="right">25,00 (20,00) ***</p>
<p>Prüfungsgebühr / Examination fee / Taxe d'examen</p> <p>Anwendbar für vor dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable for international applications filed before 1 July 2005: Applicable aux demandes internationales déposées avant le 1 juillet 2005:</p> <p>Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications filed on or after 1 July 2005: Applicable aux demandes internationales déposées à compter du 1er juillet 2005:</p> <p>Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen, für die <i>kein</i> ergänzender europäischer Recherchenbericht erstellt wird (Art. 157(3)(a)): Applicable for international applications filed on or after 1 July 2005 for which <i>no</i> supplementary search report is drawn up (Art. 157(3)(a)): Applicable aux demandes internationales qui sont déposées à compter du 1er juillet 2005 pour lesquelles <i>il n'est pas</i> établi de rapport complémentaire de recherche européenne (art. 157(3)(a)):</p>	<p align="right">1490,00 (1430,00) *** 1335,00 (1280,00) *** 1490,00 (1430,00) ***</p>

* = Siehe Beschluss des Verwaltungsrats vom 15.12.05 (ABI 1/2006, 8)
See Decision of the Administrative Council of 15.12.05 (OJ 1/2006, 8)
Voir Décision de Conseil d'administration du 15.12.05 (JO 1/2006, 8)

** = Siehe ABI 3/2006
See OJ 3/2006
Voir JO 3/2006

*** = Anwendbar für Zahlungen eingegangen bis 31.03.06
Applicable for payments received up to 31.03.06
Applicable aux paiements reçus jusqu'au 31.03.06

* = Postcheckkonto
Giro account
Compte de chèque postal

Bank- und Postcheckkonten der Europäischen Patentorganisation in EURO
Bank and Giro accounts of the European Patent Organisation in EURO
Comptes bancaires et chèques postaux de l'Organisation européenne des brevets en EURO

Staat Country Pays	Bank- und Postcheckkonten / Bank and Giro accounts / Comptes bancaires et de chèques postaux	Staat Country Pays	Bank- und Postcheckkonten / Bank and Giro accounts / Comptes bancaires et de chèques postaux	Staat Country Pays	Bank- und Postcheckkonten / Bank and Giro accounts / Comptes bancaires et de chèques postaux
AT	No. 102-133-851/00 (BLZ 12 000) IBAN AT91 1200 0102 1338 5100 BIC BKAUATWW Bank Austria Creditanstalt AG Am Hof 2 Postfach 52000 A-1010 Wien	EE	No. 10220025988223 IBAN EE24 1010 2200 2598 8223 BIC EEUH22XX SEB Eesti Ühispank AS Tornimäe 2, Tallinn EE-15010 Tallinn	LU	No. 7-108/9134/200 IBAN LU41 0027 1089 1342 0000 BIC BILLLULL DEXIA-Banque Internationale à Luxembourg 69, Route d'Esch L-2953 Luxembourg
	No. 7451 030 (BLZ 60 000)* IBAN AT96 6000 0000 0745 1030 BIC OPSKATWW Österreichische Postsparkasse AG Georg Coch-Platz 2 A-1010 Wien	ES	No. 0182-5906-88-029-0348002 IBAN ES74 0182 5906 8802 9034 8002 BIC BBVAESMM Banco Bilbao Vizcaya Argentaria S.A. (BBVA) Calle Acalá 16, 3e Planta E-28014 Madrid		No. 6421-37* IBAN LU97 1111 0264 2137 0000 BIC CCPLLLUL Administration des P. & T. 38, place de la gare Chèques postaux L-1090 Luxembourg
BE	No. 310-0449878-78 IBAN BE69 3100 4498 7878 BIC BBRUBEBB ING Belgium Marnix Business Branch 1, rue du Trône B-1000 Bruxelles	FI	No. 200118-182076 IBAN FI28 2001 1800 1820 76 BIC NDEAFIHH Nordea Bank Finland plc Aleksanterinkatu 36, 1200 Helsinki FIN-00020 Nordea	LV	Noch nicht verfügbar Not yet available Pas encore disponible
	No. 000-1154426-29* IBAN BE26 0001 1544 2629 BIC BPOTBEB1 Banque de la Poste W.T.C., Tour II Chaussée d'Anvers B-1100 Bruxelles		No. 800013-90405* IBAN FI27 8000 1300 0904 05 BIC PSPBFIHH Sampo Bank plc Fabianinkatu 23, Helsinki FIN-00075 Sampo	MC	No. 30004 09179 00025422154 91 (RIB) IBAN FR76 3000 4091 7900 0254 2215 491 BIC BNPAFRPPAMC BNP - Paribas Agence Monaco Charles III Avenue de la Madone MC-98000 Monaco
BG	No. 1465104501 IBAN not implemented BIC Bulbank 7, Sveta Nedelya Sq. BG-1000 Sofia	FR	No. 30004 00567 00020020463 29 (RIB) IBAN FR76 3000 4005 6700 0200 2046 329 BIC BNPAFRPPPOP BNP - Paribas Agence: Paris Clientèle Internationale 2, Place de l'Opéra F-75002 Paris	NL	No. 51 36 38 547 IBAN NL54 ABNA 0513 6385 47 BIC ABNANL2A ABN AMRO Bank NV Kneuterdijk 1, Postbus 165 NL-2501 AP Den Haag
CH	No. 230-322 005 60 M IBAN CH49 0023 0230 3220 0560 M BIC UBSWCHZH80A UBS Bahnhofstrasse 45 CH-8021 Zürich	GB	No. 86 98 72 66 (Sorting Code 20-47-35) IBAN GB10 BARC 2047 3586 9872 66 BIC BARCGB22 Barclays Bank plc International Corporate PO Box 391 38 Hans Crescent Knightsbridge GB-London SW1X 0LZ	PL	No. 40 12 627* IBAN NL27 PSTB 0004 0126 27 BIC PSTBNL21 Postbank N.V. Postbus 98000 NL-6800 MA Arnhem
	No. 91-649517-3* IBAN CH79 0900 0000 9164 9517 3 BIC POFIGHBE PostFinance Operations Center CH-6007 Luzern	GR	No. 112002002007046 IBAN GR36 0140 1120 0200 2007 046 BIC CRBAGRAAXXX Alpha Bank Athens Tower Branch 2, Messoghion Avenue GR-115 27 Athens	PT	No. 2088391145 IBAN PT50 0033 0000 0208 8391 1452 2 BIC BCOMPTPL Millennium bcp Banco Comercial Português Av. Fontes Pereira de Melo, 7 P-1050-115 Lisboa
CY	No. 0155-41-190144-48 IBAN CY68 0020 0155 0000 0041 1901 4448 BIC BCYPCY2N Bank of Cyprus 2-4 Them. Dervi Street. P.O. Box 1472 CY-1599 Nicosia	HU	No. 11764946-00239880 IBAN HU46 1176 4946 0023 9880 0000 0000 BIC OTPVHUHB OTP Bank Rt. Központi Fiók Deák Ferenc utca 7-9 HU-1052 Budapest	RO	Noch nicht verfügbar Not yet available Pas encore disponible
CZ	No. 01841280/0300 IBAN CZ52 0300 1712 8010 1700 2453 BIC CEKOCZPP Ceskoslovenská Obchodní Banka A.S. Na Příkopě 854/14 CZ-11520 Praha 1 - Nové Město	IE	No. 309 822 01 (Bank Code 901 490) IBAN IE10 BOFI 9014 9030 9822 01 BIC BOFIE2D Bank of Ireland Lower Baggot Street Branch P.O. Box 3131 IRL-Dublin 2	SE	No. 99-48857939 IBAN SE08 6000 0000 0000 4885 7939 BIC HANDSESS SHB CUBB-K3 Svenska Handelsbanken S-106 70 Stockholm
DE	No. 3 338 800 00 (BLZ 700 800 00) IBAN DE20 7008 0000 0333 880000 BIC DRESDEFF Dresdner Bank Promenadeplatz 7 D-80273 München SWIFT Code: DRESDEFF700	IS	No. 0101-38-710440 IBAN IS77 0101 3871 0440 4312 0490 80 BIC LAISISRE Id no. EPO 431204-9080 (compulsary) National Bank of Iceland Main Branch Austurstræti 11 IS 101 Reykjavík	SI	No. 7 41 53-8* IBAN SE88 9500 0099 6042 0074 1538 BIC NDEASESS Nordea Bank Sweden AB/Postgirot Drottningg 4 P.O. Box 16081 S-103 22 Stockholm
	No. 300-800 (BLZ 700 100 80)* IBAN DE59 7001 0080 0000 3008 00 BIC PBKDEFF Deutsche Postbank AG Bayerstrasse 49 D-80138 München		No. 936832 01 94 (conto estero) IBAN IT21 E030 6905 0200 0936 8320 194 BIC BCITITMM700 ABI 03069 / CAB 05020 Banca Intesa Via del Corso, 226 I-00186 Roma	SK	No. 03500-1000001709 IBAN SI56 0350 0100 0001 709 BIC SKBASIXX SKB Banka D.D. Ajdosvcina 4 SI-1513 Ljubljana
DK	No. 3001014560 IBAN DK94 3000 3001 0145 60 BIC DABADKKK Danske Bank A/S Holmens Kanal Dept. Holmens Kanal 2-12 DK-1092 København K.	IT	No. 10568277* IBAN IT89 Q 0760111 3000 0001 0568 277 BIC BPPIITRRXXX Poste Italiane C.U.A.S. Piazza Vesuvio, 6 I-20144 Milano	TR	No. 2920480237 (Bank code 1100) IBAN SK89 1100 0000 0029 2048 0237 BIC TATRSKBX Tatra Banka A.S. Branch Banka Bystrica Dolna 2 SK-97401 Banka Bystrica
	No. 1551-2138837478* IBAN DK16 3000 2138 8374 78 BIC DABADKKK BG Bank Erhvervsafdeling City Nørre Voldgade 68 DK 1011 København K.	LT	Noch nicht verfügbar Not yet available Pas encore disponible		No. 4214-301120-1039000 IBAN not implemented BIC Türkiye İS Bankası A.Ş. Gazi Mustafa Kemal Bulvarı 8 TR-06640 Kızılay / Ankara

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference GB030112	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/053237	International filing date (<i>day/month/year</i>) 02 December 2004 (02.12.2004)	Priority date (<i>day/month/year</i>) 21 January 2004 (21.01.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	<p>This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
<input type="checkbox"/>	Box No. II	Priority																							
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																							
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																							
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																							
<input type="checkbox"/>	Box No. VI	Certain documents cited																							
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of issuance of this report 24 July 2006 (24.07.2006)</td> </tr> <tr> <td style="padding: 2px;"> Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06@wipo.int </td> </tr> </table>	Date of issuance of this report 24 July 2006 (24.07.2006)	Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06@wipo.int
Date of issuance of this report 24 July 2006 (24.07.2006)			
Authorized officer <div style="text-align: center; font-weight: bold;">Agnes Wittmann-Regis</div> e-mail: pt06@wipo.int			

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 02 MAR 2005

PCT

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/053237

International filing date (day/month/year)
02.12.2004

Priority date (day/month/year)
21.01.2004

International Patent Classification (IPC) or both national classification and IPC
G06F3/06, H04L29/06

Applicant
INTERNATIONAL BUSINESS MACHINES CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Kappatou, E

Telephone No. +49 89 2399-7521



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/053237

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/053237

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5-8,14-18,20
	No: Claims	1-4,9-13,19,21
Inventive step (IS)	Yes: Claims	
	No: Claims	1-21
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1. The following document is referred to in this communication:
D1 : EP 1 276 034 A

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document) a method for controlling access to logical units (see par. [0001]) that accept commands and are accessible by ports that send commands (see par. [0003]), comprising the steps:

grouping together as a named set (see Group ID) in a first location ports that require access to the same logical units (see [0050]);

associating in a further location a named set with selected logical units (see [0051], [0052];

and extracting at the further location identification information for the one or more ports by referencing the name of the named set (implied).

- 2.2 Even if it could be argued that the method defined in claim 1 is new, based on minor differences in the interpretation of the features as claimed in claim 1 and those disclosed in D1, the subject-matter of claim 1 would certainly not involve an inventive step, Article 33(3) PCT, as document D1 discloses the same object and the same type of solution as the present application, i.e. grouping the hosts according to the LU they access in order to simplify the management of access.
It is considered that the Group ID can be referenced to identify the corresponding ports with the use of the "WWN_S_ID_GID conversion table".

3. INDEPENDENT CLAIMS 10 AND 21

- 3.1 The subject-matter of the apparatus claim 10 and the computer program product claim 21 corresponds to that of method claim 1, and is therefore also not new, Article 33(2) PCT.

4. DEPENDENT CLAIMS 2-9, 11-20

Dependent claims 2-9, 11-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step (Article 33(2) and (3) PCT). The additional features are either already disclosed in D1 (Storage Area Network: see [0002]; SCSI Protocol: see [0019]; Fibre Channel Interface: see [0019], Logical Unit Numbers: see [0004]) or considered obvious (associations are dynamically changed, back up).

Re Item VII.

1. According to the requirements of Rule 11.13(I) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of most of the reference signs.
2. Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII.

1. The application does not meet the requirements of Article 6 PCT, because claims 1, 10 and 21 are not clear.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/053237

- 1.1 The term "subsequent location" implies a sequence in the locations. It is not clear how these mapping tables can be sequenced.
- 1.2 A "named set" is defined in lines 4 and 6 of claim 1, one set of ports and one set of LU. It is not clear which one of the is to be referred in the extracting step.



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ (070) 3 40 20 40
FAX (070) 3 40 30 16

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Generaldirektion 1

Directorate General 1

Direction générale 1

WILLIAMS, Julian, David
IBM United Kingdom Limited
Intellectual Property Law
Hursley Park
Winchester Hampshire SO21 2JN
GRANDE BRETAGNE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

23.06.06

Reference	Application No./Patent No. 04821274.0 - PCT/EP2004053237
Applicant/Proprietor International Business Machines Corporation	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. **04821274.0**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)

5.1 If the EPO is acting as **designated** or **elected** Office (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:

a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).

If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).

This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).

b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).

c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).

d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination **and** pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).

e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).

If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).

For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.

5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).

6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.

All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section

